

September 1, 2002
ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES
LOCAL PARENTING TIME SCHEDULE
COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

If the Court order or decree indicates that the Court schedule is the order for parenting time, then the ORDER OF THE COURT IS THE FOLLOWING:

PARENTING TIME FOR THE NON-RESIDENTIAL / CUSTODIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES CAN AGREE (these are the most important words). This shall not normally be less than---

1. Weekends

Beginning on a specific date (_____), every other weekend from Friday night at 7 p.m. to Sunday night at 7 p.m.

2. Mid-week

In addition, the child(ren) shall spend a minimum of one week day as follows:

For a child not yet in mandatory education, 5 p.m. to 7:30 p.m.

For a child in grades Kindergarten - 8th grade, 5 p.m. to 8 p.m.

For a high school student, 5 p.m. to 9 p.m.

If there is more than one child, the hour of return shall be the hour for the youngest child. If the parents cannot agree on a day, the day for the mid-week parenting time is Wednesday. If a child is in a child care arrangement, the non-residential parent may not pick-up the child from the caretaker without the prior permission of the residential parent, preferably in writing.

3. Days of Special Meaning

- a. Mother's Day shall always be spent with the mother; Father's Day shall always be spent with the father, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the time is 10 a.m. to 7 p.m. The child(ren) shall spend the rest of the weekend with the parent who normally has that weekend.
- b. The child's birthday shall always be spent with the mother in the even-numbered years, and shall always be spent with the father in the odd-numbered years. If the parties cannot agree, the time is 10 a.m. to 8 p.m., for a child not in school on the birthday, and 5 p.m. to 8 p.m., for a child in school on his birthday. The other parent can celebrate on another date. The child's birthday is to be spent with the designated parent, even if the other parent is entitled to weekend, mid-week, holiday or vacation with the child. Brothers and sisters attend the birthday event.
- c. Other days of special meaning, such as religious holidays, Martin Luther King Day, etc., should be discussed and written into the Court order.

4. Holidays

Parents may wish to change by agreement a holiday at least one week in advance in order to observe family or religious traditions. If not changed by agreement, holiday times are as follows:

	Even-numbered Years	Odd-Numbered Years	As Agreed, OR
Easter	Father	Mother	Sun., 10 am.- 7 pm.
Memorial Day	Mother	Father	Sun., 7 pm. - Mon., 8 pm.
July 4th	Father	Mother	7-4, 9 am. - 7-5, 9 am.
Labor Day	Mother	Father	Sun., 7 pm. - Mon., 8 pm.
Thanksgiving	Father	Mother	Thur., 9 am. - Fri., 9 am.
Christmas Eve	Mother	Father	12-23, 9 pm. - 12-24, 10 pm.
Christmas Day	Father	Mother	12-24, 10 pm. - 12-25, 9 pm.
New Year's Eve/Day	Mother	Father	12-31, 5 pm. - 1-1, 9 pm.

- a. Holidays will take priority over any other parenting time. A holiday that falls on a weekend shall be spent with the parent who is designated to have the child(ren) for that holiday. The rest of the weekend is to be spent with the parent who would normally have that weekend. This time does not have to be made up.

5. Breaks

Father will have spring school break in the even numbered years, and Mother will have spring school break in the odd numbered years.

Mother will have the Christmas school break until December 24 at 10:00 p.m. in the even numbered years. Father will have from December 24 at 10:00 p.m. until the end of the break. In the odd years, the time periods will reverse.

The break begins when the school schedule says it begins, and ends at 7:00 p.m. the night before school resumes. It is understood that not all the schools of children in the same family will necessarily have the same break.

6. Vacation

- a. Four weeks each year are to be arranged by the non-residential parent with not less than sixty (60) days advance notice. The non-residential parent's choice of vacation has priority over the residential parent's choice, unless the residential parent's vacation is an annual mandatory shut-down of the place of employment, or unless the residential parent is required by an employer to give more than sixty days notice of intent to take a vacation and the non-residential parent has no similar requirement. **The residential parent must give the other parent not less than sixty (60) days advance notice of vacations or special plans for the child to avoid planning conflicts.** Parents who cannot resolve vacation scheduling conflicts may file a motion in the Court. Due to legal notice requirements, the hearing cannot be scheduled until three (3) weeks after filing.
- b. Summer school necessary for the child to pass to the next grade must be attended. Extended parenting time (vacation) may be scheduled by either parent during a mandatory summer school period, but the child must attend all classes.
- c. Each parent must provide the other parent with destination, times of arrival and departure, and method of travel if the vacation will be outside the parent's community.

- d. Vacation must be exercised in minimum periods of one week, and the non-residential parent has the right to determine whether to exercise vacation in periods of two, three or four weeks.
- e. Alternate weekends which normally would be spent with the residential parent, which fall during the non-residential parent's vacation must be given to the residential parent, or made up at another time. Alternate weekends which normally would be spent with the non-residential parent and that fall during the residential parent's vacation must be given to the non-residential parent or made up at another time.

7. Parenting Time Presumptions

a. Basis for Schedule

This parenting plan presumes that the father and the mother are good parents and that a child is safe with either parent, based on the evidence before the Court; that the father and the mother respect the right of their child(ren) to have two parents throughout the child(ren)'s life for nurturing, continuity, normal development, and emotional and economic support; and the father and mother each respects the right of the other to parent their child(ren).

b. Keeping the Children Together

This schedule presumes that if the parents have more than one child, the parenting time will be exercised with all children together.

c. Child's Response to Parenting Time

Children of divorce grow up to be as normal and healthy as children whose parents are not divorced if the parents communicate well, if both parents continue a regular contact with their child(ren), and avoid the use of anger in front of the child(ren) when dealing with the other parent.

It is normal when parents first separate that a child may have a strong emotional reaction at exchange times saying good-bye to one parent. Parents need to know that the emotional response is quite natural, and that each parent needs to calmly reassure the child that he or she will see the other parent soon. Parents should understand that this response by the child does not mean that the child does not love the other parent, or wishes not to spend time with the other parent. The length of the adjustment will vary.

If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation, by calmly talking to the child as to the child's reasons, to work with the other parent to do what is in the child's best interests, and particularly to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional, Court counselor or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. Examples of time for concern are a decline of a child's grades, serious or chronic school problems, dramatic changes in behavior, and delinquency, to name a few. IT IS THE ABSOLUTE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT HIS OR HER CHILD GOES FOR THE PARENTING TIME.

d. Exercise of Parenting Time

This schedule presumes that the non-residential / custodial parent shall be there for all

the parenting times and days for Weekends, Mid-weeks, Days of Special Meaning, and Holidays, and that no advance notice to the residential parent is necessary (except vacation, unless the parties agree otherwise). The residential parent shall have the child(ren) ready.

e. Cancellation of Parenting Time by Non-residential / Custodial Parent

The non-residential parent must give notice of intent NOT to have parenting time, as soon as he or she is aware that it is not possible. A parent who does not exercise parenting time forfeits the time. Since the schedule presumes ordinary parenting times will be spent with the child(ren), non-canceled time where the parent fails to appear upsets the child(ren) considerably, as well as the residential parent. A parent who continually fails to keep his or her commitment to parenting time may have rights modified, and may be subject to other legal remedies as well, upon motion by the residential parent.

f. Returning the Child(ren) After Parenting Time

This schedule presumes that the non-residential parent will not return the child(ren) before the end of the parenting time stated (not early, not late, not on a different day), unless the parents agree in advance, and that the residential parent or other responsible caretaker well-known to the child(ren) will be present when the child(ren) is returned.

g. Transportation

The non-residential parent has responsibility for picking up and returning the child(ren). The non-residential parent, if unavailable for the pick-up or delivery of the child(ren) by car, must use an adult driver well-known to the child(ren) for this purpose. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol. Only licensed drivers may transport the child(ren).

h. Clothing

The residential parent is responsible for providing sufficient appropriate clean clothing, based on the lifestyle of the residential parent and child. If the planned activities during parenting time require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two days in advance. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent MUST be returned immediately after the parenting time.

i. Schoolwork

A parent must provide time for any child to study, complete homework assignments, papers, or other school assigned projects, even if the completion of this work interferes with the parent's plans with the children. If schoolwork is assigned by the school prior to the parenting time, the residential parent must inform the other parent of the work to be done, and it must be completed.

j. Address and Telephone Numbers

Each parent must, unless the Court orders otherwise, keep the other informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency. The residential parent must notify the Court of their intent to relocate.

k. Traditions and Family

This schedule is in no way meant to interfere with family traditions. Each parent is encouraged to respect each other's family traditions and to adjust the parenting time schedule accordingly. Each parent should expect new traditions will develop.

It is expected that the child(ren) will continue contact with grandparents, aunts, uncles, cousins, and any other family members during such times as they are with their parents.

l. Children's Activities

Scheduled parenting time periods shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sports, etc.). It is the responsibility of the parents to discuss activities important to the child in advance, including time, dates, and transportation needs, so that the child is not deprived of activities and maintaining their friends. If the activities are regularly scheduled, they should be agreed upon in advance and written into the judgment entry or decree. Both parents are encouraged to attend all their child's activities. Each parent is entitled by law to equal access to the student activities of their child, unless limited by Court order.

m. Illness or Injury of a Child

If a child becomes ill or injured, warranting the giving of medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. If the child becomes ill while with the residential parent prior to a scheduled parenting time, the parent must contact the other parent and discuss the advisability of whether the parenting time should take place with the best interests of the child as the primary consideration. Parents should consider the nature of the illness (whether it may be contagious, or the child is physically uncomfortable, etc.), the care necessary, the ability to provide the care, exposure of the illness to others, activities planned, and any other important issue.

If the parents agree that the child should go, then the residential parent MUST provide written instructions and sufficient medication to last during the parenting time. The non-residential parent must care for the child as directed, notifying the other parent if the child's condition worsens, or does not improve as might reasonably be expected.

If the parents cannot agree that the child should go for the parenting time, then the non-residential parent has the right to visit the child for not more than one hour at the time scheduled for the parenting time to begin. (This does not apply if the Order of any Court or consent agreement prohibits the non-residential parent from being at the home.) If another child is also scheduled to have parenting time, then the regular schedule must go on with that child. If the parenting time is canceled due to the child's illness or injury, then the time must be made up within sixty (60) days to the non-residential parent, at a time of his or her choice.

If the child becomes ill or injured during parenting time, the non-residential parent must secure appropriate emergency treatment.

No schedule can adequately spell out what should be common sense when dealing with an ill or injured child.

Any allergy or chronic condition suffered by a child must be communicated in writing from the residential to the non-residential parent, including medication or treatment recommended for the illness or condition.

If a child often misses parenting time due to illness or injury, then a non-residential parent may require the child to be examined by the child's usual physician. The examination shall be at the expense of the non-residential parent. The examination of the child may be in presence of the non-residential parent, subject to the discretion of the treating physician. If the residential parent refuses to schedule a medical appointment as requested, the non-residential parent may file a motion.

n. Communication between Parents

IT IS THE RESPONSIBILITY OF THE PARENTS, NOT THE CHILDREN, TO MAKE ALL PARENTING TIME ARRANGEMENTS. Neither parent should communicate with a child about the schedule, or future events or activities which conflict with the other parent's allotted times. It is not the responsibility of a child to mediate or become involved in parental differences over times, dates or activities. If parents have temporary difficulty communicating about either parenting time or the needs of their child(ren), parents should not enlist the child to resolve the parents' inability to talk to each other.

When Parents Do Not Communicate With Each Other

Parents temporarily may use other adults to make arrangements for parenting time. But the best solution is to seek professional help to learn or improve their ability to work together for their child(ren)'s best interests. Failing to get the cooperation of the other parent to enter counseling, a parent should call the Court Counselor or file a motion with the Court to order counseling to resolve this very serious problem before the damage to the child becomes irreversible.

o. Discipline and Changes in Child's Behavior

It is presumed that parents use methods of discipline consistent with the law, and consistent with each other as much as possible, and will communicate with each other if a child is becoming a discipline problem.

Parents need to discuss behavior problems and solutions with each other as the need arises. Parents who have major disagreement over appropriate discipline or solutions to their child's problems and cannot resolve their disagreement should seek the assistance of a Court counselor or mental health professional. Examples of times for concern are decline of a child's grades, serious or chronic problems with the school, dramatic changes in behavior, or delinquency, to name a few.

p. Step-parent name.

A parent should not, nor permit any other person to, suggest, encourage or require a child to refer to any person other than the child's parents as "mom" or "dad", etc.

q. Child's Records

1). Name

The residential parent is responsible for taking all necessary action for all record keeping purposes to use the birth or adopted name only.

2). School Records

The residential parent is responsible to personally provide copies of every grade card or notice regarding the child within five (5) days of receipt, and may not use the child to deliver the grade cards or notices. The residential parent must list the

non-residential parent as a parent of the child, and must authorize the school to release to the non-residential parent any and all information concerning the child. The residential parent must personally inform the other parent of school or special activities, such as parent-teacher conferences, school programs, athletic events, honors program, special ceremonies, school pictures, and graduation events, and any other school activity in which the child is involved as soon as (s)he receives the notice.

Both parents are entitled by law to equal access to their children's records, unless limited by Court order.

The non-residential parent shall have access to the children's day-care center, unless limited by the Court.

3). Medical records/consultation

The residential parent shall, upon request by the non-residential parent immediately comply with whatever action is required, including the signing of a full release, to provide access to any medical, dental, hospital, surgical, optometric, or mental health records of the minor child. Both parents are entitled to equal access to their children's records, unless limited by Court order.

r. Communication Between Parent and Child

Each parent has the right to talk over the telephone with the children as often as the parents agree. If the parents do not agree, then the non-residential parent should have telephone privileges twice per week. In addition, a parent may call a child once during a scheduled or agreed parenting time that is missed. Also, the residential parent has the right to call a child when on vacation with the other parent as the parties can agree; if no agreement, then the residential parent has telephone privileges twice per week if the vacation period takes place at the other parent's home. Phone calls should be during the normal hours a child is awake; and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the call. A child is permitted to call a parent.

s. Non-compliance with Court Order

Any of the responsibilities or rights outlined in this schedule may be enforced by the Court after the filing of the appropriate motion by either party. A parent may not withhold the rights of parenting time because the other parent does not obey a Court order, for instance, to pay support, or medical bills, etc.

Penalties for the Parent Who Willfully Fails to Comply With This Schedule

A parent who willfully fails to comply with this schedule may be found guilty of contempt of Court, the penalty for which is a fine not to exceed \$250.00, and a jail sentence not to exceed ten days for each separate act of contempt. The Court may also assess attorney fees and Court costs, order the appointment of a Guardian ad Litem (attorney) for the minor child, and payment of the Guardian ad Litem's fee. The Court may order the reimbursement of transportation costs, and make-up parenting time, in addition to any other remedy available at law.

t. Moving

Either parent must notify the other at least thirty (30) days in advance of their intent to change their residence, and provide a new address and telephone number within ten (10) days of establishing a new residence. If the parents are less than 150 miles apart after

the move, the local parenting time schedule applies. If the parents are more than 150 miles apart after the move, the long distance parenting time schedule applies. The Ohio Department of Jobs and Family Services must also be notified pursuant to the Court's Additional Order and Notice to Parties.

u. Promptness

This schedule presumes that each parent will be prompt for pick-up and return of the child(ren), that the residential parent will ready the child(ren) emotionally and physically for the parenting time. The residential parent has no duty to wait for the non-residential parent to pick up the child(ren) longer than thirty (30) minutes, unless the non-residential parent notifies the residential parent that (s)he will be late, and the residential parent agrees to remain available after the thirty minute waiting period. A parent who is more than thirty (30) minutes late loses the parenting time. A parent who has a pattern of lateness is subject to penalties under the law.

v. Employment of Parents

This schedule presumes that the parents are available for full weekends and mid-week parenting time. If the non-residential parent is regularly employed every weekend and chooses not to exercise parenting time on the weekend, the parents should agree in advance about the day and time for parenting time. If the parties cannot agree, either may wish to consult with the Court counselor or file a motion.

w. Newborn child(ren)

This schedule might not apply to a newborn or very young child whose sense of time differs from an older child or adult. A newborn needs more frequent contact with a parent not living in the same household than this schedule specifies. Parents need to exercise more flexibility in scheduling times for a newborn and very young child, and may need to consult with the child's physician and/or Court counselor in the event they do not agree.

x. Teenagers

A regular routine of parenting time may become more difficult as a child ages, has more activities outside of the family unit, obtains a driver's license, dates, works, and spends time with friends, as the parents allow a young adult more freedom of choice generally. The parents need to respect their teenager opting to spend time more with friends or in organized activities, and less time with each parent, especially weekends and summer holidays. Maximum flexibility in scheduling is absolutely necessary for a child of this age. Within limits, it is advisable to consider the teenager's wishes, as long as the parents agree. If the parents are unable to resolve scheduling conflicts, they may wish to consult with a Court counselor or file a motion.

y. Modifying this Order

The Court reserves the right to modify this schedule after a motion by either party.

JUDGE DAVID LEWANDOWSKI

JUDGE NORMAN G. ZEMMELMAN

DEFINITIONS

"Parenting Time" - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) without any legal restriction except as to time. Court-imposed.

"Visitation" - Restrictions are always written specifically into the Court order.

"Supervised Parenting Time" - a legal term meaning the time set aside for the non-residential parent to parent his or her child(ren) with legal restrictions as to time, place, and neutral party who is always present with the child during the parenting time. It is always written into the order.

"Curb-side Exchange" - a legal term always written into the Court order if the Court orders it. The non-residential parent is prohibited from entering upon the property of the residential parent to exchange the child(ren), the residential parent must remain inside the home, and there must be no communication during the exchange of the parents' child(ren). The process of curb-side exchange means the non-residential parent (at the specified parenting time) parks in front of the residential parent's residence, honks the horn to notify the residential parent to send the child(ren) to the non-residential parent's car. The residential parent shall immediately send the child(ren) to the car, making certain the driver is well-known to the child(ren) (if the driver is not the other parent) and watch the child(ren) enter the car and leave. Upon return after the parenting time, the non-residential parent, parks in front of the residential parent's home, honks the horn to signal that the child(ren) are returning, and watches the child(ren) return to the residence.